

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

R. Taylor Speer,

Plaintiff,

C/A: 6:19-cv-03134-HMH

Vs.

**Lakeview Loan Servicing, LLC and
LoanCare, LLC,**

Defendants.

Local Civil Rule 26.03 Information Provided by Plaintiff

Pursuant to Local Civil Rule 26.03 and Fed. R. Civ. P. 26(f), the undersigned would provide the following information.

1. A short statement of the facts of the case.

RESPONSE:

Defendants Lakeview and LoanCare service Plaintiff's home mortgage, including the escrow held for paying real estate taxes. In or around December of 2017 Defendants overpaid Plaintiff's real estate tax to the Greenville County Tax Assessor at a 6% rather than the 4% rate appropriate for a primary residence. The overpayment caused a false "shortage" in escrow from the Plaintiff, which in turn caused Defendants to increase Plaintiff's payments substantially. After ensuring the rate was corrected to 4%, Plaintiff notified Defendants of the reassessment, asking them to correct their error and reflect his payments based on actual tax obligation. Plaintiff further remitted the refund check he later received to Defendants. Defendants generally ignored Plaintiff's concerns and

continued to overcharge him and contend he was late, or delinquent, and additionally began making false credit reports.

On May 4, 2019 Defendants sent a “property appraiser” to inspect Plaintiff’s home, for “securing the property” for foreclosure.

To date, the error and credit reporting remains uncorrected, making it appear as if Plaintiff defaulted on his mortgage.

2. The names of fact witnesses likely to be called by the parties and a brief summary of their expected testimony

RESPONSE:

Mr. and Mrs. R. Taylor Speer have knowledge of and will testify concerning his communications with Defendants, attempts to rectify Defendants’ mismanagement of the escrow account, collections, credit reporting and damages

Representatives of Lakeview Loan Servicing, LLC. Expected to have knowledge concerning Plaintiff’s escrow account, Notice of Error, and reinvestigations and results thereof, their reporting of the subject account to the credit bureaus and Defendant’s policies and procedures relevant to the Real Estate Settlement Procedures Act.

LoanCare, LLC. Expected to have knowledge concerning Plaintiff’s escrow account, Notice of Error, and reinvestigations and results thereof, their reporting of the subject account to the credit bureaus and Defendant’s policies and procedures relevant to the Real Estate Settlement Procedures Act.

Representatives of Equifax, Experian and Trans Union, have knowledge of Plaintiff’s disputes, transmittals to Defendants, and Defendants responses.

The Plaintiff reserves the right to call as potential witness(es) any third-parties that

1) obtained copies of his credit report(s); 2) are named as witnesses by any party to this action; 3) received an application for credit from the Plaintiff.

3. The name and subject matter of expert witnesses.

RESPONSE:

Plaintiff will comply with the scheduling order regarding expert testimony and provide the requested information at that time.

4. A summary of the claims and defenses with statutory and/or case law supporting the same.

RESPONSE:

Plaintiff's current claims arise under the Real Estate Settlement Procedures Act, 12 U.S.C. 2601, et. seq. and South Carolina common law.

RESPECTFULLY SUBMITTED,

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